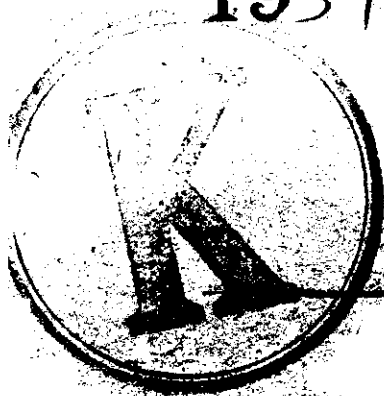




1951.

File No. B. Land
Requisition / 51
Legal Department
B BRANCH

Subject:—

L. A. Bill No. XLV of 1951

A Bill to amend the Bombay
Land Requisition Act, 1948.

Bom. Act No. XL of 1951

P.12
E

File No. B. Land Requisition / 51

Gen. 194 e.

8.25-

It was found was that a very large number of requisition orders issued on or after 26th January 1950 do not state the purpose for which the requisition was made. In view of the decision of the Bombay High Court, it is likely that all these orders will be held expiring as has been held in such cases already. At a conference held with the Solicitor General and Shri Seerwal it would be desirable to validate these orders but it should be left to the Court to take into consideration other evidence. Both the Council suggested a validating legislation. Before the draft is published, it should be shown to the Council.

Id/-J. D.
8-8

Secy. R.L.
Id/-
9-8

We may refer this to the High Court first.

H.M.(I.D.) H.H.D.
Id/-

H.J.A.
Id/-
B.G.K.
9-8

S.A.K.
20-7
4 copies

mn
mv
K.S.R.
24/7

Legal Department.

A revised draft Bill settled in consultation with the Solicitor-General to the Government of India and Shri H.M. Desai is put up.

Id/- J.R.D.
14-8

Secy. R.D.
Id/-
14-8

H.M.(B.D.)
Id/-
H.R.D.
18-8

H.C.N.
Id/- P.G.K.
20-8

All H.Ms. should see this and cabinet.

C.S.
Id/- H.G.B.
20-8

Circulated to all H.Ms.

Id/-
28-8-51

S.A.K.
20-7
4 copies

Legal Department.

The Bombay Land Requisition (Amendment) Bill, 1951, having been published in the Bombay Government Gazette, dated the 31st August 1951, these papers are sent herewith to the Revenue Department for submitting them to H.M.(H. & R.) for his use at the time of introducing the Bill in the Assembly. These papers belong to the Legal Department. The Revenue Department is, therefore, requested to return them to this Department for record after the Bill has been passed by the Legislature and after keeping copies thereof, if necessary, on its record.

2. Attention of the Legal Department is invited to Government Circular, Legal Department, No. 5255, dated the 8th May 1950, regarding application of Bombay Acts to scheduled areas in the State of Bombay. Under paragraph 5 of the part B of the Fifth Schedule to the Constitution the proposed Act will authentically apply to these areas. If, however, the Department thinks that the proposed Act should not apply to scheduled areas or any part thereof or should apply with certain exceptions or modifications to the said areas or any part thereof, a notification to that effect will be necessary under the said paragraph 5 of Part B of the Fifth Schedule to the Constitution. The Department may, therefore, obtain the orders of Government as to whether the proposed Act should or should not be applied to those areas or any part thereof or should be applied with any exceptions or modifications.

SD/-

Assistant Secretary to Government.

U.R. to R.D.(Camp Office), No. 121-2 dated the 7th September 1951

S.A.K.
20-7
4 copies

No. 16255
Legal Department.
Bombay Castle (Bombay No. 1) 13th October
October 1951

From

Shri J.R.DHURANDEAR,
Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject :- The Bombay Land Requisition
(Amendment) Bill, 1951.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for being presented to His Excellency the Governor the authentic copy of the Bombay Land Requisition (Amendment) Bill, 1951, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 20th and the 26th September 1951, respectively.

2. The subject-matter of the Bill falls under entries 18 and 36 in List II and entries 6, 12, 13 and 42 in List III in the Seventh Schedule to the Constitution of India. As the provisions of the Bill are repugnant to the provisions of the Bombay Land Requisition Act, 1948, which is an existing law relating to entries 13 and 42 in the Concurrent Legislative List, it is necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution.

3. I also forward herewith six copies of the items

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	) Nos.
	) 1 and
	)
2. Bill as read for the third time and passed by the Bombay Legislative Council.	) 2 and
	) two

S.A.R.
20-7
4 copies

3. Extracts from the proceedings of the Bombay
Legislative Assembly dated the 20th September
1951 and of the Bombay Legislative Council
dated the 26th September 1951.) copies
of item

No. 3 of the papers noted in the margin. The Bill was not
referred to a Select Committee.

-:
Yours faithfully,

Sd/-M.R. Dhurandhar,
12-10

Secretary to Government.

Copy forwarded with compliments to the Secretary to the
Government of Bombay, Revenue Department.

S.A.K.
20-7
4 copies

NO. G.S.- 2733

FROM

HIS THE SECRETARY TO THE GOVERNOR OF BOMBAY.

TO

The Secretary to the Bombay Legislature Department,
Council Hall, Bombay 1.

GOVERNMENT HOUSE.

GAUTBHINDU, POONA. 7 Octro 18 1951.

Subject:- The Bombay Land Requisition
(Amendment) Bill, 1951.

Sir,

With reference to the Bombay Land Requisition (Amendment) Bill, 1951, which was passed by the Bombay Legislative Assembly and the Bombay Legislative Council on September 20 and 26th and 26th 1951 ^{and} 28th respectively, I am directed to state, for the information of the Honourable the Speaker and the Honourable the Chairman, that as the provisions of the Bill are repugnant to the provisions of the Bombay Land Requisition Act, 1948, which is an existing law relating to entries 13 and 42 in the Concurrent Legislative List, it is necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution of India. His Excellency the Governor has accordingly been pleased, under article 200 of the Constitution, to declare that he reserves the Bill for the consideration of the President.

Yours faithfully,

L.M.Nadkarni.

Secretary to the Governor
of Bombay.

.....

No. G.S.-2734

Office of the Secretary to the Governor,
Government House, Gautbhind,
Poona 7; October 18, 1951.

Copy forwarded with compliments to the Secretary to Government,
Legal Department, with reference to his letter No. 16255, dated
October 13, 1951

Sd/-

Secretary to Governor.

S.A.K.
20-7
4 copies

No. G.S. 2951

FROM
THE SECRETARY TO THE GOVERNOR OF BOMBAY
TO
The Secretary to Government,
Legal Department.

GOVERNMENT HOUSE.

BOMBAY 6. November 6. 1951

Subject:- The Bombay Land Requisition
(Amendment) Bill, 1951.

Sir,

In continuation of my letter No. G.S.-
2879, dated November 1, 1951. I am directed to
forward herewith the authentic copy of the
Bombay Land Requisition (Amendment) Bill, 1951,
with the President's assent signified thereon.

Yours faithfully,

Sd/-

for Secretary to the Governor
of Bombay.

S.A.K.
24-7
4 copies

ACTS.

Publication of the Bombay.
Land Requisition (Amendment) Act.
1951.

GOVERNMENT OF BOMBAY.

Legal Department
Resolution No. 17260
Bombay Castle, 1st November 1951.

RESOLUTION.- The law should be published as Bombay
Act No. XL of 1951, in the Bombay Government Gazette, dated
the 1st November 1951.

2. The Act should be translated into Marathi, Gujarati,
Kannada and Hindi (in Devnagari script) and the translations
should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Revenue
Department.

By order of the Governor of Bombay.

Sd/- PATHARE, K.J.

Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a
copy of the Act and with a request that 30 Gazette
copies of the Act may be forwarded to the Legal
Department and 10 copies to the Revenue Department).

The Revenue Department.	)	
*The Oriental Translator to Government.	)	with a copy
The Bombay Legislature Department.	)	
The Director of Publicity, Bombay.	)	of the Act.
The Enquiry Officer for the Secretariat, Bombay.	)	

With four extra copies of the Act.

S.A.K.
20-7
4 copies



The
Bombay Government Gazette

PUBLISHED BY AUTHORITY

FRIDAY, 31st AUGUST 1951.

Separate paging is given to this Part in order that it may be filed as a separate compilation

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XLV OF 1951.



A Bill to amend the Bombay Land Requisition Act, 1948.

Bom.
XXXIII
of 1948.

WHEREAS it is expedient to amend the Bombay Land Requisition Act, 1948, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Land Requisition (Amendment) Act, Short title. 1951.

Bom.
XXXIII
of 1948.

2. After section 20 of the Bombay Land Requisition Act, 1948, the following section shall be inserted, namely :—

Insertion of
new section 21
in Bom.
XXXIII of
1948.

Bom.
of 1951.

"21. (1) Notwithstanding anything contained in this Act, or a judgment, decree or order of a Court, if any order for requisition made under section 5, 6 or 7 on or after the 26th January 1950 and before the commencement of the Bombay Land Requisition (Amendment) Act, 1951, has not specified the purpose for which such requisition was made, but if such order for requisition was in fact made

Validation of
requisition
orders.

for the purpose of the State or any other public purpose, such order shall not be deemed to be or ever to have been invalid, nor shall such order be called in question in any Court merely on the ground that the order has not specified the purpose for which the requisition was made.

(2) Nothing contained in this section shall—

(a) affect the judgment, decree or order of any competent Court passed before the 31st August 1951 holding any such order invalid on the ground specified in sub-section (1), or

(b) preclude any Court from requiring the State Government or the officer who made such order for requisition to produce before it evidence to show that the order for requisition was in fact made for the purpose of the State or any other public purpose."

STATEMENT OF OBJECTS AND REASONS.

The Bombay Land Requisition Act, 1948, as it was passed, empowered Government to requisition any land for any purpose. The period of the said Act was to expire on the 31st March 1950. Before the expiry of the said period, the operation of that Act was extended for two years more by Bombay Act II of 1950. Before the said Act received the assent of the President, the new Constitution came into force. Bombay Act XXXIX of 1950 was then passed with retrospective effect providing that the purpose for which requisition can be made should be a State or other public purpose. Before the said Act could come into force several orders of requisition were passed in which the purpose was not specifically stated. The Bombay High Court has held that such orders would be *ex facie* bad. The object of the amending Act is to cure the said defect and to provide that such orders should not be held to be *ex facie* bad. But it should be open to Courts to require Government or any other requisitioning authority to produce evidence to prove that the purpose for which the requisition was made was in fact a State or other public purpose. It is proposed to give effect to this amending Act from the date on which this Bill is published.

Dated the 31st August 1951.

(Signed) MORARJI DESAI.

By order of the Governor of Bombay,

J. R. DHURANDHAR,

Secretary to the Government of Bombay,
Legal Department.

Poona, dated the 31st August 1951.



The Bombay Government Gazette

PUBLISHED BY AUTHORITY

THURSDAY, 1st NOVEMBER 1951.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated and
Regulations made by the Governor.

CONTENTS.

	PAGES
BOMBAY ACT No. XL OF 1951—An Act to amend the Bombay Land Requisition Act, 1948	224-225

The following Act of the Bombay Legislature having been assented to by the President on the 31st October 1951 is hereby published for general information.

J. R. DHURANDHAR,

Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XL OF 1951.

(First published, after having received the assent of the President, in the
"Bombay Government Gazette" on the 1st November 1951)

An Act to amend the Bombay Land Requisition Act, 1948.

WHEREAS it is expedient to amend the Bombay Land Requisition Act, 1948, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Land Requisition (Amendment) Act, Short title. - 1951.

2. After section 20 of the Bombay Land Requisition Act, 1948, the following section shall be inserted, namely :—

Insertion of
new section 21
in Bom.
XXXIII of
1948.

"21. (1) Notwithstanding anything contained in this Act, or a judgment, Validation of
decree or order of a Court, if any order for requisition made under section 5, 6 or 7 requisition
on or after the 26th January 1950 and before the commencement of the Bombay orders.
Land Requisition (Amendment) Act, 1951, has not specified the purpose for which
such requisition was made, but if such order for requisition was in fact made

for the purpose of the State or any other public purpose, such order shall not be deemed to be or ever to have been invalid, nor shall such order be called in question in any Court merely on the ground that the order has not specified the purpose for which the requisition was made.

(2) Nothing contained in this section shall—

(a) affect the judgment, decree or order of any competent Court passed before the 31st August 1951 holding any such order invalid on the ground specified in sub-section (1), or

(b) preclude any Court from requiring the State Government or the officer who made such order for requisition to produce before it evidence to show that the order for requisition was in fact made for the purpose of the State or any other public purpose."